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Proposed Regulation Agency Background Document

Agency name	Department (Board) of Juvenile Justice
Virginia Administrative Code (VAC) citation	6VAC35-150
Regulation title	Standards for Non-Residential Services Available to Juvenile and Domestic Relations District Courts; Proposed Title: "Standards for Non-Residential Services"
Action title	A comprehensive review of the regulation for clarity and improvement and a revision of the regulation to reflect regulatory and policy changes since this regulation was amended in 2002.
Date this document prepared	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

This regulation was last reviewed in 2002, and, since then, a number of administrative changes have occurred. This regulation was reviewed in light of current practices and in consultation with representatives of state and locally operated court service units. The proposed changes will update regulatory provisions in light of best practices and with the goal of providing a user-friendly regulatory scheme for which the requirements for compliance are clearly delineated.

The proposed changes include:

- ❖ Updating the definition section and terms used for clarity and consistency with other regulations promulgated by the board;
- ❖ Removing unnecessary verbiage;
- ❖ Amending the background check section in light of recent statutory changes;
- ❖ Clarifying requirements for volunteers and interns;
- ❖ Streamlining requirements for all reports to the court;
- ❖ Clarifying when procedures should be required for handling non-department funds;

- ❖ Incorporating appropriate cross references to statutes, regulations, and guidance documents, amended, enacted, or promulgated since the last review;
- ❖ Formalizing the process for obtaining a waiver of regulatory provisions; and
- ❖ Amending the duties of court service unit staff in light of legislative changes since 2002.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

The Agency Background Document does not contain any acronyms or terms that are not defined or short-cited in the “Definition” section of the regulation.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Board of Juvenile Justice (the “Board”) is entrusted with general authority to promulgate regulations by § 66-10 of the Code of Virginia, which states the board may “promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth administered by the director or the department.”

Additionally, the board is mandated by §§ 16.1-233 and 16.1-309.9 of the Code of Virginia to issue regulations pertaining to court service units and other non-residential services. Section 16.1-233 of the Code of Virginia requires the board to regulate court service unit staff, including their appointment and function, with the goal of establishing, as much as practicable, uniform services for juvenile and domestic relations courts throughout the Commonwealth. Moreover, § 16.1-309.9 of the Code of Virginia requires the board to regulate the “development, implementation, operation and evaluation of the range of community-based programs, services and facilities authorized” by the Virginia Juvenile Community Crime Control Act (VJCCCA).

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Standards for Non-Residential Services Available to Juvenile and Domestic Relations District Courts, 6VAC35-150, establish minimum requirements for the operation of locally and state-operated court service units and for non-residential programs available to the juvenile and domestic relations district courts, including those funded through the VJCCCA. The provisions for court service units include guidance for processing delinquency petitions at intake, making decisions whether to detain alleged delinquent juveniles, and supervising probationers and parolees. Additionally, the regulation establishes standards for the development, implementation, operation, and evaluation of the non-residential community-based programs and services, such as those established by the VJCCCA (§ 16.1-309.2 *et seq.* of the Code of Virginia), which provide treatment and supervision for juveniles, who are before the court or an intake officer, and are designed to divert juveniles from becoming further involved with the juvenile justice system.

The last comprehensive review of the regulation was completed in 2002. Since that time, the board has promulgated several other regulations as required by law. Sections of these regulations guide the operations of court service units, which are the primary subject of this regulation. Where applicable, those regulations are clearly referenced, and the proposed amendments in this regulation will streamline the applicability of each provision. Moreover, during the periodic review period, the regulation was reviewed in light of current statutes, regulations, and practices. As a result of this review, it was determined that a comprehensive review of and substantive changes to the regulation were necessary. The proposed amendments incorporate changes recommended by a committee of individuals representing state and locally operated court service units. The proposed changes enhance the clarity of the regulation with the goal of developing provisions that are reasonable, prudent, and will not impose an unnecessary burden on its regulants or the public.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

The proposed regulation contains the following changes:

- 1) Section 10 (Definitions): the definitions and terms have been updated for clarity and consistency with other regulations promulgated by the board;
- 2) Section 10 and 40 (Variances): the term "variance" is defined and the section of the board's certification regulations related thereto is cross-referenced;
- 3) Section 10, section 130 (Research), and section 500 (Juvenile participation in research): the term "human research" is defined and the provisions related thereto cross-reference the governing statute and regulations, which were enacted after the last review of this regulation.
- 4) Section 55 (Probation officers' caseload): this section was deleted given the broad nature of the existing verbiage ("other factors" could include anything) and the reality that court service units must comply with any court order for supervision;
- 5) Section 66 (Procedures for handling funds – formerly section 190): this section was amended to govern only those funds over which the board has regulatory authority;
- 6) Section 70 (Court service unit director and staff): this section was deleted as position descriptions, employee work profiles, and performance plans are required by the state's Department of Human Resources Management. Additionally, the duties of the directors are, in part, governed by statute;
- 7) Section 80 (Background checks): this section was amended for conformity with the background checks required for children's residential programs;
- 8) Section 90 (Training): this section was amended to require training as required by an employee's job duties and training needs. The specific hours of training requirement were removed;
- 9) Section 140 (Records management): subsection E was deleted as it addresses the contents of files for postdispositional residential care, which is not governed by this regulation. Please note that section 310 was amended to require certain information in the case record for juveniles subject to such placements;
- 10) Section 165 (Custody investigations): this section was deleted as very few court service units are required to complete custody investigations and, of those who continue to be ordered to complete such investigations, the form and content are governed by local court requirements, procedures, and practices;
- 11) Section 200 (Security and safety procedures): this section was amended to require training on crisis intervention and prevention techniques for the office and the field;
- 12) Section 210 (Physical force): this section was amended to clearly detail the circumstances under which force may be utilized;
- 13) Section 220 (Searches): this section was amended to clarify that such searches may include a search of the immediate area surrounding the individual;
- 14) Section 260 (Transportation of detained juveniles): subsection B was deleted as it is governed by the transportation guidelines;

- 15) Sections 270 (Intake duties) and 290 (Intake communication with detention): the references to the juvenile tracking system have been removed and replaced with references to the applicable electronic data collection system;
- 16) Section 310 (Postdispositional detention): this section was amended to clarify that it applied only to postdispositional placement greater than 30 days. It also dictates what information must be contained in the case record when a juvenile is subject to such placement;
- 17) Section 320 (Notice of juvenile's transfer): this section was amended to clarify that the court service unit did not have to separately notify a juvenile's parents of his transfer when the juvenile's parents already had knowledge of the transfer;
- 18) Section 335 (Diversion): the limit on the duration of diversion was extended from 90 to 120 days (except in cases of truancy). After the 120 days, the intake officer is prohibited from filing a petition on the acts of offenses precipitating the initial referral.
- 19) Section 336 (Social histories): this section incorporates, consolidates, and removes specific procedural requirements previously contained in sections 150 (Reports for the court) and 160 (Social history). Many of the requirements for such reports to the court, which are statutorily provided, were deleted;
- 20) Section 350 (Supervision plans for juveniles): parts addressing issues when a juvenile is in direct care were moved to section 415 (Supervision of juvenile in direct care). Other procedural aspects were deleted;
- 21) Section 355 (Supervision of juveniles on electronic monitoring): this section was added to require procedures to govern electronic monitoring programs (such procedures were required by former Part III, Article 4);
- 22) Sections 365 (Supervision of adult on probation): this section was added to address specific supervision issues;
- 23) Section 370 (Placements in the community): this section was repealed as such contacts would be required by the supervision plan;
- 24) Section 390 (Transfer of case supervision): this section was amended to clarify when and how case supervision may be transferred;
- 25) Section 410 (Commitment information): this section now requires the commitment information to precede (rather than precede *or* accompany) the juvenile's arrival at RDC;
- 26) Sections 415 (Supervision of juvenile in direct care): this section was added to address specific supervision issues;
- 27) Section 430 (Program requirements): this section adds to the programmatic prerequisites for programs. It also cross-references the background check requirement for court service units (and, thus, section 440 [Employee and volunteer background check] has been deleted). It further incorporates the provisions of former section 590 (Referrals) and 570 (Response to crisis);
- 28) Section 435 (Contracted services): this section was amended to clarify that contracted services are subject to the same standards as programs subject to the regulation;
- 29) Section 600 (Surveillance officers) and section 610 (Substance abuse and testing services): these sections were repealed as they are incorporated into the definition of programs or contract services (and thus are already governed by the regulation);
- 30) Section 615 (Applicability of Part III, Article 2): this section was added to clarify to which programs Article 2 is applicable;
- 31) Section 620 (Supervision of juveniles): subsection B was deleted as some non-residential programs may provide peer mentoring, etc.; and liability requirements would govern the remaining parts;
- 32) Section 640 (Emergency and fire safety): this section was broadened to govern different types of emergencies;
- 33) Section 680 (Physical and mechanical restraints and chemical agents): this section was expanded to prohibit use of chemical agents;
- 34) Article 4 (Electronic monitoring): this article has been deleted given the procedural aspects of the existing provisions and the applicability of Part III to any such programs. The requirement for procedures is now contained in section 355.
- 35) Many of the sections have been moved and/or grouped differently for clustering of related provisions:
 - Section 62 (Suitable quarters) was moved from section 175 under Budget and Finance to the part dealing with Administration;
 - Section 64 (Prohibited financial transactions) was moved from section 180 under Budget and Finance to the part dealing with Administration;
 - Section 66 (Procedures for handling funds) was moved from 190 under Budget and Finance to the part dealing with Administration;
 - Section 336 (Social histories) was moved from 150 and 160 under Administration to Probation, Parole, and Other Supervision.

- Section 510 (C) (Case management requirements) now incorporates former section 560; and
 - Section 670 (Juveniles’ medical needs) now incorporates former section 650 and 660; and
- 36) Also, unnecessary verbiage has been deleted (i.e.; sections 20 and 30 are recommended for repeal) and other technical and stylistic changes were made.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

This regulation is essential to protect the public safety by providing for the supervision of delinquent juveniles. The regulation includes standards for both state and locally operated court service units, to ensure that “uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth.” See § 16.1-233 (C) of the Code of Virginia. The regulation provides guidance for processing alleged delinquent juveniles at intake, detaining delinquents, and supervising probationers and parolees in the community.

The regulation further protects the public safety by establishing standards for the development, implementation, operation, and evaluation of the non-residential community-based programs and services such as those established by the VJCCCA. See § 16.1-309.2 *et seq.* of the Code of Virginia. Such VJCCCA programs provide supervision and services to juveniles who are before the court or before a juvenile intake officer, with the goal of preventing those juveniles from further penetrating the juvenile justice system.

Having clear, concise, and consistent requirements across localities promotes the health, safety, and welfare of citizens by ensuring consistency in services throughout the Commonwealth. The proposed amendments would streamline the reporting requirements while not affecting (i) the quality of services provided by court service units and program or services providers or (ii) the ability of the department to oversee such functioning.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are neither applicable federal requirements nor requirements contained in the proposed regulation that exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This regulation affects state and locally operated court service units and program and service providers, if contracted through (1) the department; (2) a court service unit; or (3) a locality’s Virginia Community Crime Control Act plan. The provisions of this regulation apply equally to all court service units and program or services providers (whether private or public).

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board/department is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board/department is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (1) projected reporting, recordkeeping, and other administrative costs; (2) probable effect of the regulation on affected small businesses; and (3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email, or fax to **Patricia Rollston, Legislative Analyst at Virginia Department of Juvenile Justice, P.O. Box 1110, Richmond, Virginia 23218-1110, by electronic mail at patricia.rollston@djj.virginia.gov, via telephone at (804) 786-4194, or via facsimile at (804) 371-0773**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

A public hearing will not be held.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.	Nominal. The de minimus cost of updating procedures and program monitoring criteria will be absorbed internally through existing systems.
Projected cost of the new regulations or changes to existing regulations on localities.	Nominal. The de minimus cost of updating procedures and program criteria will be absorbed internally through existing systems. Additionally, programs subject to Part III are voluntary participants.
Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.	This regulation affects state and locally operated court service units and applicable public and private program providers subject to the provisions of Part III.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales	There are 32 state-operated and three locally operated court service units. Each unit contracts with different program and service providers that are subject to Part III. Additionally, each locality receiving funding through the Virginia Community Crime Control Act has a variety of service and program providers subject to this regulation. These service and program providers may be

<p>of less than \$6 million.</p>	<p>publicly or privately operated, and it is unknown how many meet the criteria for small businesses.</p>
<p>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and do include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>Nominal. The substantive changes to the regulation, while requiring the implementation of some additional procedures, will require minimal, if any, costs for the affected individuals, businesses, or other entities. The overall purpose of this revision was to streamline the regulations; and, it is projected that there will be an overall positive impact from the proposed changes.</p> <p>There are no specific costs relating to the development of real estate.</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>Having clear, concise, and consistent requirements across localities promotes the health, safety, and welfare of citizens by ensuring consistency in services throughout the Commonwealth. The proposed amendments would streamline the reporting requirements and would not affect the quality of services provided by court service units and service or program providers or the ability of the department to oversee such functioning.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Retaining the regulation in its current form was considered. The department also reviewed whether the necessary revisions could be accomplished through department procedures, guidance documents, or training, rather than revising the regulatory provisions. Specifically, it was considered whether the changes could be incorporated into the department’s Division of Community Programs’ “Operations Manual” for court service units through which the department provides guidance to court service units. However, the Operations Manual does not rise to the level of regulatory requirement.

Thus, given statutory and regulatory changes since 2002, the department determined that a comprehensive review and updating of the regulation was essential for ensuring consistency and avoiding ambiguity in interpretation in court service units across the Commonwealth. The department will utilize the operations manual as an appropriate vehicle for communicating expectations, outlining best practices, and providing procedural guidance when the added authority of a regulation is not required.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or

simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This regulation may affect small businesses inasmuch as a small business provides a program or service subject to this regulation. Having clear, concise, and consistent requirements across localities (i) provides such entities with clear requirements and (ii) ensures consistency in such requirements throughout the Commonwealth. The proposed amendments would streamline the reporting requirements and would not affect the quality of services provided by court service units and program and service providers subject to the regulation or the ability of the department to oversee such functioning and thus would benefit any affected small business.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
N/A		

No public comments were received during the NOIRA stage.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action should have a positive impact on families when members receive services through any court service unit or other applicable non-residential services. To the extent the regulation improves those services or promotes health and safety in those services, they should have a positive impact on families. The regulation will serve to bolster family relationships and communities given the focus to prevent delinquency and promote youth development. The regulation is not expected to have any impact on disposable family income.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please detail the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
10		Defines terms used in this Chapter.	<ul style="list-style-type: none"> - Updates definitions and terms for clarity and consistency with other regulations promulgated by the board; - Amends the definition of human research to correspond with the applicable regulatory provision (§ 32.1-162.16); - Adds definitions of adult, court service unit, direct care, individual supervision plan, and variance; and - Deletes definitions of counseling, counselor, intensive supervision, local plan, shall, substance abuse assessment and testing, supervision plan, surveillance officer, and unit. These were deleted as the terms are not used in the regulation, are defined elsewhere, or unnecessary to define commonly used terms.
20		States the previous regulations that were superseded by this Chapter.	Repeals this section as the referenced regulations have been repealed.
30		Details which parts are applicable to which programs.	Clarifies applicability; reduces verbiage.
35		States the provisions of this Chapter establishes the “programmatic and fiscal policies” of the board, pursuant to this statutory authority.	Repeals this section as it is unnecessary. The statutory authority is footnoted in the <i>Virginia Register</i> .
40		States that the board may exempt a subject entity from the requirements of this Chapter.	Amends this section to allow variances in accordance with the board’s certification standards (6VAC35-20).
50		States the effect of licensure by another agency.	Technical change.
55		States the probation officer’s caseload shall be determined in accordance with procedures, with specific factors considered.	Repeals this section given the broad nature of the existing verbiage (“other factors” could include anything) and court service units must comply with any court order for supervision, and the probation officers’ caseloads will be determined by such orders.
	62	Sets forth requirements for suitable quarters (in section 175).	Incorporates the requirements of section 175, which is recommended for repeal. This addition more appropriately fits in the “Administration” part of this Chapter. The requirement for probation officers to have “access to private office space so equipped that conversations may not be overheard from outside the office” has been changed to have “access to private office space.” Deletes duplicative language.
	64	Prohibits court service units from collecting fees, fines, and	Incorporates the provisions of section 180, which is recommended for repeal. It adds

		costs (in section 180).	“court fees and court costs” as fees prohibited from collection by court service units.
	66	Requires procedures for the handling of funds within a court service unit. Also requires the court service unit to follow applicable laws and regulations when expending state funds (in section 190).	This incorporates the provisions of section 190, which is recommended for repeal. It amends the existing provision to govern only those funds over which the board has regulatory authority. It deletes the provision relating to expending state funds as this is duplicative of existing law.
70		Requires a position description for employees with required qualifications and applicable duties; requires a performance plan and evaluation for each employee annually; and requires court service units’ directors to provide reports required by the department and localities.	This section is recommended for repeal as position descriptions, employee work profiles, and performance plans are governed by the Department of Human Resources Management and the department’s human resource unit. Additionally, the duties of the director are, in part, governed by statute.
80		Requires background checks for employees and volunteers.	Amends the section to require the same background checks for non-residential programs as are required for residential programs regulated by the board. Clarifies for whom the background check requirement is applicable.
90		Sets forth training requirements for employees and volunteers.	Deletes requirement for specific hours of training for certain positions; opts to require training appropriate to the position’s duties and to address any needs identified by the individual and the supervisor, as applicable.
100		Requires certain personnel and operating procedures.	Technical change.
110		Sets forth provisions relating to volunteers.	Adds requirement that the court service unit will maintain a description of duties and required qualifications for volunteer positions.
130		Sets forth requirement for use of juveniles as human subjects.	Cross-references the board’s research regulation, 6VAC35-170, that was enacted since this Chapter was last reviewed.
140		Lists certain information that must be maintained in case records.	Deletes subsection E that requires five specific things to be contained in the case record for juveniles placed in postdispositional care. The case record must contain all information regarding the applicable individual in the department’s possession and must be kept in accordance with department procedures. Section 310 was amended to require some of these documents and this information (social history, court order, reason for placement). Some of these documents would be maintained in the case record at the facility (i.e.; financial and tuition arrangements and supervision/visitation agreements). The only other recommended deleted provision is the requirement to maintain the dates of acceptance and placement; however, this will be contained in the court order.

			Also, contains some technical changes.
150		Requires certain demographic information to be included in all reports to the court.	Repeals this section. Such reports are subject to the requirements of the courts and judges and department procedures. Specific statutory requirements of reports are provided in §§ 16.1-269.2 (transfer report), 16.1-273 (social history), 16.1-274 (custody investigations), and 16.1-285.2 (progress reports for serious offenders). Proposed section 336, addressing the issue of social history, requires identifying and demographic information.
160		Sets forth the requirements for social history reports.	This section was moved to proposed section 336, which delineates the four circumstances under which reports must be completed; clarifies when an addendum may be used; and removes unnecessary descriptive language. Repeals this section.
165		Requires custody investigation to be completed in conformance with guidelines relating thereto.	Repeals this section. Custody investigations are subject to § 16.1-274 and are completed in conformance with the Department of Social Services and court procedures. Such reports are completed by CSUs only in a handful of jurisdictions.
175		Sets forth requirements for suitable quarters.	Repeals this section. Moved to section 62 (see above).
180		Prohibits court service units from collecting fees, fines, and costs.	Repeals this section. Moved to section 64, with amendment (see above).
190		Requires procedures for the handling of funds within a court service unit. Also requires the court service unit to follow applicable laws and regulations when expending state funds.	Repeals this section. Moved to section 66, with amendment (see above).
200		Requires court service units to implement certain security and emergency procedures.	This section was changed to address security and safety procedures. Adds natural disasters to the list of events and a training requirement for crisis prevention and intervention techniques.
210		Sets for the conditions under which physical force may be used.	Added language from a board policy regarding any such application.
220		States searches of individuals shall be conducted by trained staff in accordance with procedures.	Expands section to apply searches of an individual's immediate area. Requires searches to be conducted in accordance with all laws and the Constitution.
230		States circumstances under which a probation officer may carry a weapon.	Technical changes.
240		Required probation officers to exercise their powers of arrest in accordance with procedures.	Technical changes.
250		Requires cooperation with	Clarifies circumstances considered absconding,

		applicable agencies when a juvenile fails to report for supervision or escapes/runs away from a residential placement.	which applies to (i) violations of supervision when a detention order is issued and (ii) any escape/runaway from a residential placement
260		Provides requirements for transportation of detained juveniles.	Deletes subsection regarding the transportation of such juveniles by court service unit staff. These individuals do not transport detained juveniles. Also, contains technical changes.
270		Lists certain duties of intake officer.	Adds subsection C regarding the provision of replacement intake officers in accordance with § 16.1-235.1. Also, contains technical changes.
280		Sets forth duties of intake officer when juvenile requires emergency treatment.	Technical changes.
290		Requires intake officers to provide certain information to detention staff when juvenile is placed in a detention center.	Deletes subdivision 1 as this is duplicative of the requirements in subdivision 2 (with the added “electronic means” language). The “pertinent language” and alerts are listed in the retained and amended language.
300		Lists court service unit staff responsibilities when a juvenile is predispositionally detained.	Technical changes.
310		Lists court service unit staff responsibilities and record maintenance requirements for postdispositionally detained juveniles.	Contains provisions formerly provided in section 140, which are recommended to be deleted from that section. Also, contains technical changes
320		Requires notice of a youth’s transfer to be provided to the juvenile’s parents or guardians and documented in the case record.	Amends the section to <u>not</u> require such notice if the court service unit staff knows the juvenile’s parent or legal guardian has already been advised of the transfer.
330		Requires including a juvenile’s parents or guardians in the decision to remove a youth from his home.	Repeals this section. Such removals occur only subject to court order and thus the considerations are made by the court.
335		Sets forth actions that may be taken on diverted cases.	Extends the length of diversion to 120 days (consistent with a board variance) except in cases involving truancy, which are statutorily restricted to 90 days. Clarifies timeframes in the case of a subsequent, concurrent diversion. Limits time of diversions involving a referral for services only to the time necessary to complete such services. Prohibits the filing of a petition after the expiration of the 120 days.
	336	Sets forth the requirements for social history reports (in section 160).	This section was moved from section 160, which is recommended to be repealed. This section clarifies the four circumstances under which reports must be completed; clarifies when an addendum may be used; and removes

			unnecessary descriptive language.
340		Sets forth duties of the probation or parole officer when beginning supervision.	Technical changes.
350		Lists requirements of supervision plans.	Deletes subsections B through F. B was deleted as all supervision plans contain a family involvement provision, and this is also addressed in current subsection G and proposed subsection A of section 415. The provisions regarding planning during a juvenile's commitment (subsections C, D, and E) have been moved to proposed section 415. The provisions in subsection F have been moved to proposed section 365. Also, contains technical changes.
	355		Replaces current article Part III, Article 4 (Electronic monitoring). Electronic monitoring ("EM") program providers are subject to the provisions of Part III. Also, court service unit staff must comply with department procedures and the juveniles' supervision plans for any juveniles placed on EM.
	365		Incorporates the provisions from subsection F of current section 350.
370		Requires court service unit staff to maintain contact with the juvenile and facility staff when a juvenile is placed in residential care.	Repeals this section. The proposed regulation contains specific requirements when a juvenile is predispositionally placed (section 300), postdispositionally placed (section 310), and committed to the department (proposed section 415). Additionally, section 350 requires compliance with supervision plans. This section was considered unnecessary given these provisions.
380		Requires court service unit staff to follow department procedures when processing violations of probation or parole.	Technical changes.
390		Allows for the transfer of case supervision when a juvenile moves.	Adds provision that the director of the department arrange out-of-state transfer in accordance with applicable statutes. Also, contains technical changes
400		Requires notice of release from supervision to the parents/guardians.	Technical changes.
410		Sets forth information that must accompany the juvenile to the Reception and Diagnostic Center and requires court service unit staff to provide notice if the juvenile is transported unexpectedly from court.	Clarifies when a juvenile may be transported to the Reception and Diagnostic Center. Also, contains technical changes.
	415		Incorporates the requirements of subsections C, D, and E from current section 350. Clarifies the requirement to develop a family

			involvement plan and report on the family's involvement.
420		Requires court service unit staff to maintain contact with committed juveniles, their families, and the treatment providers.	Technical changes.
425		Details the applicability of Part III.	Clarifies applicability of Part III.
427		Requires applicable programs to have written policies and procedures for implementing this Chapter.	Repeals this section. The applicable programs are responsible for compliance with this regulation (as monitored and certified by the department). Implementation of procedures is assumed and, thus, this section is recommended for deletion.
430		Lists program requirements.	Incorporates the provisions of current section 590 and adds certain statements the programs must have regarding the general character of the services provided and population served. Clearly states requirement for background checks (cross-references the section applicable to court service units). Requires programs providing crisis intervention to have a means by which program participants may access 24-hour crisis intervention and that the way to access the service will be provided to the juvenile in writing. (This provision was moved from current section 570.)
435		Lists requirements for contracted services.	Clearly states that contractors and subcontractors are subject to the requirements of this Chapter.
440		Requires background checks for certain employees and volunteers.	Repeals this section. The background check requirement is provided in subsection C of section 430, which requires background checks to be done as required for court service units.
450		Requires that, when staff may have a condition that places the health or safety of juveniles at risk, staff is removed from contact until the condition is resolved.	Technical changes.
460		Requires job descriptions and appropriate licensure/certification for employees.	Technical changes.
470		Requires procedures to deal with medical emergencies.	Technical changes.
480		Requires certain procedures be followed in managing financial records.	Technical changes.
490		Lists certain juvenile rights.	Technical changes.
500		Sets certain requirements for juvenile participation in human research.	Deletes substantive provisions and cross-references the board's research regulation (6VAC35-150-130), which was promulgated after the last review of this regulation.
510		Details case management	Adds additional requirements for programs that

		requirements.	provide counseling, treatment, or supervision of juveniles. Such programs must have an individual service plan for the juvenile to whom services are provided; the service plan must be provided to the court service unit; the provider must document required contacts; and a progress report must be provided to the referring agency. These requirements are currently provided in section 560.
530		Requires the documentation and reporting of certain incidents.	Technical changes.
540		Requires reporting of child abuse and neglect.	Technical changes.
550		Requires the building and grounds of the program to comply with applicable laws and be maintained appropriately.	Technical changes.
560		Details case management requirements for programs that provide counseling, treatment, or supervision.	Repeals this section. The requirements have been moved to section 510.
570		Requires programs providing supervision or direct services to provide juveniles with a means for 24-hour emergency response.	Repeals the section. These provisions have been moved to section 430 for programs providing crisis intervention services.
590		Requires programs that accept referrals to have a statement of the population served and their intake and acceptance criteria and procedures.	Repeals the section. These provisions have been moved to section 430.
600		Sets certain requirements for programs that use surveillance officers.	Repeals this section. Such programs are subject to all of the provisions of Part III. Thus, this section is duplicative and unnecessary.
610		Sets certain requirements for programs that provide substance abuse and testing services.	Repeals this section. Such programs are subject to all of the provisions of Part III. Thus, this section is duplicative and unnecessary.
	615	Details the applicability of Part III, Article 2.	Clarifies the applicability of Part III, Article 2.
620		Requires staff to be present who are trained in first aid and CPR; prohibits juveniles from managing other juveniles' behavior.	Deletes the prohibition of juveniles managing other juveniles' behavior.
640		Requires fire safety plans, monthly fire drills, and training of staff on fire safety and emergency procedures.	Adds the requirement for both an emergency plan and a fire safety plan and that each program implements certain safety procedures related thereto.
650		Requires first-aid kits.	Repeals this section. This provision has been incorporated into section 670.
660		Sets certain requirements for the delivery of medication.	Repeals this section. This provision has been incorporated into section 670.
670		Requires the program to be notified of juvenile's medical	Incorporates the requirements of current sections 640 and 650.

		needs and restrictions, as applicable.	Also, contains technical changes.
680		Sets criteria for the use of physical restraint; prohibits the use of mechanical restraint.	Clarifies the circumstances under which application of physical restraint may be appropriate. Also, contains technical changes.
690		Details procedural requirements for the use of time out.	Technical changes.
700		Prohibits use of EM as an automatic condition of supervision.	Repeals this section. Often juveniles are placed on EM by court order or specific program requirements depending on the individual’s risk to the community. An absolute prohibition is inappropriate given the complex criteria often considered. Section 355 has been amended to require procedures to be implemented regarding criteria for placement in an EM program.
710		Requires juveniles on EM to live “in their own home or a surrogate home;” parental consent; and parental orientation on the EM device and program rules.	Repeals this section. Often juveniles placed in an EM program do not reside with their or a surrogate family, thus rendering subsection A obsolete. Additionally, juveniles are placed on EM by court order, due to a violation of rules of supervision, or based on a risk assessment. Thus the requirement to obtain parental consent prior to placement in an EM program is not appropriate. Therefore, section B is recommended for deletion. However, section 355 has been amended to require procedures to be implemented regarding parental involvement when a juvenile is placed on EM.
720		Requires contact with juveniles on EM and their parents/guardians to be in accordance with the juveniles’ supervision or service plan.	Repeals this section. Court service unit staff must comply with the provisions of the juveniles’ supervision plans; program providers must comply with the provisions of service plans; and EM staff must provide services in accordance with their contractual agreements and service plans. Additionally, section 355 has been amended to require procedures to be implemented regarding required contacts while on EM.
730		Requires a procedure for responding to tampering and program violations.	Repeals this section. Section 355 has been amended to require procedures to be implemented regarding consequences for tampering and program violations.
740		Prohibits EM from extending beyond 45 days unless specifically approved or court ordered.	Repeals this section. Section 355 has been amended to require procedures to be implemented regarding time limits for EM programs.
Docs. Inc. by Ref.		Lists documents incorporated by reference.	Updates the citation for Guidelines for Transporting Juveniles in Detention; deletes the Guidelines for Custody Investigations.